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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,366	10/14/2004	Bartholomeus Johannes Van Rijnsoever	2069.056US1	8677
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER	
			CHAI, LONGBIT	
			ART UNIT	PAPER NUMBER
			2131	
			MAIL DATE	DELIVERY MODE
			03/31/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,366	VAN RIJSNOEVER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Longbit Chai	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 10/14/2004 but has a foreign priority application filed on 4/19/2002.

### ***Claim Objections***

2. Claims 2 – 4 are objected to because of the following informalities: “An apparatus” should be “The apparatus”.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuria (U.S. Patent 6,178,242).

As per claim 1, Tsuria teaches an apparatus for processing a signal that contains a stream of encrypted data and a plurality of individually identified streams of messages

(Tsuria : Column 3 Line 58 – 67), each of the streams of messages containing decryption information for decrypting a common part of the encrypted data (Tsuria : Column 2 Line 47 – 60), the apparatus comprising:

- an input for the signal (Tsuria : Figure 1 / Element 110, Column 2 Line 47 – 51);
- a storage device for storing and retrieving the signal or part of the signal (Tsuria : Figure 1 / Element 110, 120 & 130, Column 2 Line 53 – 57 and Column 7 Line 8 – 20);
- a rendering unit (Tsuria : Figure 1 / Element 110, Column 9 Line 30 – 36 and Column 3 Line 25 – 29 : the IRD (Integrated Receiver Decoder) can perform both live rendering and replay (i.e. play-back) rendering by using ECM key or TECM key associated with ECM or TECM messages respectively);
- a mode selection unit arranged to select an operating mode from a plurality of modes including a live rendering mode and a replay mode for rendering the signal with the rendering unit when received from the input and when retrieved from the storage device respectively (Tsuria : Figure 1 / Element 110, Column 9 Line 30 – 36, Column 3 Line 25 – 29 and Column 5 Line 1 – 9: there are two modes can be selected to operate either from a live rendering signal (i.e. performed on a direct broadcast SDDS (Scrambled Digital Data System) or from a stored play-back signal (i.e. performed on a replay of a recording SDDS from the digital VCR) through the IRD (Integrated Receiver Decoder) by using ECM key or TECM key associated with ECM or TECM messages respectively);
- a decoder for decrypting the encrypted data using a selectable one of the streams of messages, if entitled to use said selectable one of the streams, the decoder

selecting the stream of messages dependent on the selected operating mode (Tsuria : Figure 1 / Element 110, Column 9 Line 30 – 36, Column 3 Line 25 – 29 and Column 5 Line 1 – 9: the IRD (Integrated Receiver Decoder) can decrypt the encrypted data by using ECM key or TECM key associated with ECM or TECM messages respectively depending on the selected mode either from a live rendering signal (i.e. performed on a direct broadcast SDDS (Scrambled Digital Data System) or from a stored play-back signal (i.e. performed on a replay of a recording SDDS from the digital VCR)).

As per claim 5, Tsuria teaches a method of distributing a signal that contains a stream of encrypted data, the method comprising:

including a plurality of individually identified streams of messages with the stream, each of the streams of messages containing decryption information for decrypting a common part of the encrypted data (Tsuria : Column 3 Line 58 – 67 and Column 2 Line 47 – 60);

distributing authorization information (Tsuria : Column 5 Line 1 – 9: the ECM key and TECM key are qualified as the authorization information messages to decode the encrypted data) to receivers of the stream, providing each receiver with a selected authorization, the authorizations being selected from a set of authorizations that includes at least one authorization to use combinations of the streams of messages to decode the encrypted data (Tsuria : Column 9 Line 30 – 36, Column 3 Line 25 – 29 and Column 5 Line 1 – 9: the receiver is provided with either a ECM message or TECM message having ECM key or TECM key respectively to decode the encrypted data), the

authorization being selected depending on availability in the receiver of respective entitlements for respective ones of the authorizations (Tsuria : Column 5 Line 1 – 9 and Column 9 Line 30 – 36 and Column 3 Line 25 – 29: the authorization depends on availability in the receiver of respective entitlements either a as ECM (Entitlement Control Message) or as a TECM (Transformed Entitlement Control Message)).

As per claim 6, Tsuria teaches a signal distribution system, for distributing a signal that contains a stream of encrypted data, the system comprising:

a signal assembly unit that is arranged to include a plurality of individually identified streams of messages with the stream, each of the streams of messages containing decryption information for decrypting a common part of the encrypted data (Tsuria : Column 1 Line 15 – 21, Column 3 Line 58 – 67 and Column 2 Line 47 – 60: to assemble both scrambled data and ECM messages);

a transmission unit for broadcasting the assembled signal (Tsuria : Column 2 Line 4 – 5);

an authorization information distribution unit, for distributing authorization information to receivers of the stream (Tsuria : Column 5 Line 1 – 9 and Column 9 Line 30 – 36 : the ECM key and TECM key associated with ECM and TECM messages respectively are qualified as the authorization information is distributed to the receiver depending on the selected mode either from a live rendering signal (i.e. performed on a direct broadcast SDDS (Scrambled Digital Data System) or from a stored play-back signal (i.e. performed on a replay of a recording SDDS from the digital VCR)), providing

each receiver with a selected authorization, the authorizations being selected from a set of authorizations that includes at least one authorization to use combinations of the streams of messages to decode the encrypted data (Tsuria : Column 5 Line 1 – 9: the ECM key and TECM key associated with ECM messages or TECM messages are used to decode the encrypted data), the authorization being selected depending on availability in the receiver of respective entitlements for respective ones of authorizations (Tsuria : Column 5 Line 1 – 9 and Column 9 Line 30 – 36 and Column 3 Line 25 – 29: the authorization depends on availability in the receiver of respective entitlements either as ECM (Entitlement Control Message) or as a TECM (Transformed Entitlement Control Message)).

As per claim 2, Tsuria teaches the storage device being arranged to block out from the signal, during storage of the signal, at least one of the streams of messages other than the stream of messages that the decoder selects in the replay mode (Tsuria : Figure 1 / Element 130, Column 4 Line 36 – 41 and Column 9 Line 30 – 36 : the playback device blocks out the ECM messages and use TECM messages during storage of the signal and the replay mode).

As per claim 3, Tsuria teaches the decoder being arranged to detect the selected operating mode from the presence or absence of the at least one of the streams that is blocked out from the signal during storage (Tsuria : Figure 1 / Element 110, Column 9 Line 30 – 36, Column 3 Line 25 – 29 and Column 5 Line 1 – 9: the selected operating

mode is detected from the absence of the ECM messages of the streams that is blocked out from the signal during storage – i.e. detected from the presence of the TECM messages stored / recorded in the digital VCR playback device).

As per claim 4, Tsuria teaches a transcoder, the plurality of modes including a transcoding mode, the apparatus being arranged to transcode the signal when the mode selection unit selects the transcoding mode (Tsuria : Figure 1 / Element 130, Column 9 Line 30 – 36, Column 3 Line 25 – 29 and Column 5 Line 1 – 9: transcoding is considered as the technique of transforming multimedia content (e.g., text, images, audio, video and the like) from a first original format, in which the multimedia content was encoded, into a second format and therefore the transformation of the signal format from the SDDS broadcast format into SDDS recording format, as shown in Figure 1, is indeed to arranged the transcoding of the signal based on the mode selection unit either using a live rendering signal (i.e. performed on a direct broadcast SDDS (Scrambled Digital Data System) or using a stored play-back signal (i.e. performed on a replay of a recording SDDS from the digital VCR) with the transcoding of the first SDDS broadcast format into the second SDDS recording format).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

Primary Examiner, Art Unit 2131

Longbit Chai Ph.D.  
Patent Examiner  
Art Unit 2131  
2/26/2008